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Evolving Landscape of the Definition of the Word ‘Forest’: An Analysis with Reference to the Recent Judicial Pronouncements

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The notion of a forest, traditionally thought to be a simple entity with dense foliage and diverse flora and animals, has evolved significantly in recent years. This research study dives into the changing landscape of the term ‘forest’ examining its current interpretation in light of previous judicial judgments of the Supreme Court. The research takes an interdisciplinary approach, using concepts from environmental law, and socio-political situations to present a thorough understanding. The study tries to shed light on the complex interpretations and developing notions of forests. The technique used comprises a thorough research and analysis of recent judicial judgments from various countries, with an emphasis on situations in which the definition of a forest has been essential to legal challenges. In addition, scholarly literature, laws, and international treaties are reviewed to offer an in-depth overview of the subject. The findings underscore the complexities of designating forests, as courts must balance ecological imperatives, indigenous rights, economic interests, and legal considerations. Recent court rulings show a tendency toward wider, more inclusive definitions of forests, which include not just thick woodlands but also agroforestry systems, urban green areas, and damaged lands being restored. Finally, this study adds to the current discussion over the definition of forests by providing insights into the changing legal landscape and the problems and possibilities it brings to environmental law practitioners, politicians, and conservationists. It emphasizes the importance of adaptable legal frameworks that reflect the changing character of ecosystems while prioritizing ecological integrity and social justice.

Keywords: *environment, forest, Supreme Court of India.*

INTRODUCTION

Let's first understand the topic at hand, the meaning of 'Forest' has changed significantly according to social, environmental, and legal circumstances. This research paper examines how the legal definition of 'Forest' is evolving, with a particular emphasis on recent rulings from the judiciary. This study investigates how courts have struggled to define forests and the effects of various interpretations on environmental protection and natural resource management through a review of pertinent case law and legislative developments. *According to many scholars around the globe the word 'Forest' is understood as; A dense growth of trees and shrubs covering a large area as its dictionary meaning.* It is not simple to define a forest, though. The idea of a forest is as diverse as its kinds, species makeup, goods and services it provides, etc. The various types of forests are influenced by a multitude of factors, including latitude, temperature, rainfall patterns, composition of the soil, and the activities of humans. The person identifying a forest affects how it is defined as well. The way that people in Africa or Asia define forests may differ from that of individuals living in Scandinavia and Nordic countries. In the same way, a forester, defined by a farmer, or ornithologist may define and value a forest very differently from a businessman or economist's point of view. Throughout the world, 'Forest' is defined in more than 800 distinct ways.¹ All of these as well as other aspects cannot be included in a single operational definition of the word forest. The time has seen unparalleled environmental shifts, which have sparked globally unprecedented efforts to preserve and rebuild forest ecosystems. If these initiatives are not supported by suitable and coherent definitions and ideas of forests, they may fall short of their ambitious goals.

India is the 7th largest country in the world occupying 2.5% of the world area.² As per the latest ISFR 2021,³ the total forest cover of the country is 7,13,789 Km square which is 21.72% of the

¹ Elisabeth Grinspoon, 'Facts on Forestry' 2007

² *State of Forest Report 2021* (FSI 2021)

³ Ministry of Environment Forest and Climate Change, *ISFR 2021* (2021)

geographical area of the country.⁴ This as compared to ISFR 2019⁵ shows an increase of 0.28% in forest cover. India's forests are in terrible shape since the government mandates that forests make up 33% of the nation's land and that all of that land must remain closed. We are still a long way from reaching this number, though. The Indian constitution envisions the legislative, judicial, and executive branches as three separate branches. The functions that the judiciary plays concerning the legislative and executive are discussed in this study. The legislative has either failed to act or is still working on enacting rules and guidelines, therefore the judiciary steps in to guide the executive branch. To address these issues, we need a thorough definition of the word 'FOREST'. The Indian Constitution's Article twenty-one guarantees the Fundamental Right to Life, and the Honorable Supreme Court first interfered in environmental issues to uphold this right. Later, the court expanded its interventions to include the protection of animals and forests.

The higher judiciary has taken the initiative to save forests and animals. Several innovative mechanisms, including the Writ of Continuous Mandamus, Central Empowered Committee, Public Interest Litigation, Green Tribunal, and CAMPA fund, have been created or recommended as a result of the Honorable Supreme Court's unusual involvement in the field of forest and environment conservation. The Doon Valley Case, also known as R.L. & E. Kendra, Dehradun v State of U.P.⁶, was the nation's 1st case of its kind involving environmental and ecological equilibrium issues. The Court highlighted the need to reconcile both growth and preservation in the overall interest of the nation, bringing the conflict between the two into sharp relief. This instance resulted from careless and hazardous quarrying of limestone methods in the Mussoorie Hill Range of the Himalayas. The Doon Valley mines hastened soil erosion and stripped the Mussoorie Hills of its forest cover and trees.

Moreover, we also have to take the help of international covenants like the Bonn Challenge, which aims to restore 150 million hectares of degraded and deforested land by 2020 and 350

⁴ Ministry of Environment, Forest and Climate Change, *Total Forest and tree cover increased by 2261 square kilometre in India as per the India State of Forest Report (ISFR) 2021* (2021)

⁵ Ministry of Environment Forest and Climate Change, *STATE OF FOREST REPORT 2019* (2023)

⁶ *R.L. & E. Kendra, Dehradun v State of U.P.* (1985) AIR 652

million hectares by 2030. Launched by the Government of Germany and IUCN in 2011⁷, the New York Declaration on Forests, which was introduced at the UN Climate Summit in 2014, is driving the globe into a new age of ecosystem restoration⁸ as well as the 2015 UN Climate Change Conference resulted in the Paris Agreement, which prioritizes sustainable management, forest improvement, and conservation as key components of climate mitigation strategies.⁹ Policymakers, governments, scientists, and agencies must embrace a more comprehensive understanding of a forest in all of its components if they want to address the challenging global restoration objectives. In this Perspective, I as an author propose that forest definitions should be applied more carefully and deliberately to achieve objectives.

STATEMENT OF PROBLEM

For an immemorable time, the word 'Forest' has been a cornerstone of environmental conversations, legal frameworks, and policy-making worldwide. But throughout time, as a result of a variety of circumstances such as societal demands, legal interpretations, and ecological understanding, its meaning has undergone significant shifts. Notwithstanding its vital importance, there aren't enough in-depth analyses of the ways that recent court decisions have shaped the shifting definitions of forests, or of the various perspectives that underpin these definitions and the implications they have for forest management, including the development of policy frameworks. The topic of 'Forest' theory is dynamic and presents several challenges in legal, environmental, socioeconomic, and cultural domains. In "a world that is changing more quickly and becoming more interconnected every day, policymakers, attorneys, environmentalists, indigenous communities, and other interested parties must collaborate to

⁷ 'About the Challenge' (*Restore Our Future*)

<[⁸ 'What is the New York Declaration on Forests?' \(*Forest Declaration Assessment*\)](https://www.bonnchallenge.org/about#:~:text=The%20Bonn%20Challenge%20is%20a,milestone%20for%20pledges%20in%202017.> accessed 12 March 2024</p></div><div data-bbox=)

<[⁹ 'The Paris Agreement' \(*United Nations Framework Convention on Climate Change*\)](https://forestdeclaration.org/about/new-york-declaration-on-forests/#:~:text=The%20New%20York%20Declaration%20on%20Forests%20(NYDF)%20is%20a%20political,%2C%20restoration%2C%20and%20sustainable%20use.> accessed 12 March 2024</p></div><div data-bbox=)

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resolve conflicting interpretations, advance legal frameworks, and promote sustainable forest management practices to overcome these challenges.

OBJECTIVE OF THE RESEARCH

- To examine the main influences on how 'Forest' is interpreted in recent court rulings, taking into account legal, socioeconomic, and ecological variables.
- To examine how changing interpretations of what constitutes a 'Forest' affect attempts to protect the environment, plan land uses, and promote sustainable development.
- To determine any trends, ambiguities, or discrepancies in the way the term 'Forest' is used in various legal systems and countries.
- To examine how well the definition of 'Forest' in recent court rulings conforms to ecological principles and scientific knowledge.

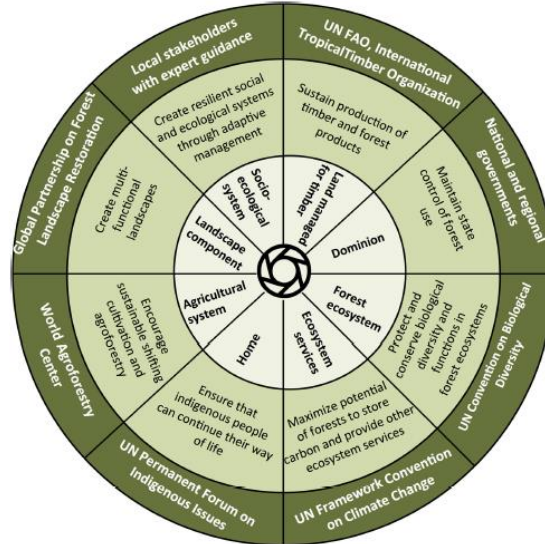


Fig. 1 Different management objectives form the basis from which a forest is conceptualized and definitions are created. The inner circle shows how a forest can be viewed through different lenses, emanating from the different management objectives shown in the middle circle. Each objective provides a perspective from which specific definitions are created. The outermost circle describes institutions whose mission is associated with each management objective and forest definition.

LITERATURE REVIEW

The Definition of Forest:¹⁰ This article talks about what is forest, why there is a dire need for an explanation of the word as well as what is at stake if the same will not be explained and that too is holistic and full nature; they have suggested this through combined approach of all the persons who are stakeholders in the nature. It also talks about the different international organizations and how they explain the forest like FAO, UNFCC, REDD, etc.

¹⁰ 'The definition of forest fire' (*World Rainforest Moment*) <https://www.wrm.org.uy//wp-content/uploads/2013/01/Definition_of_Forest.pdf> accessed 12 March 2024

Historical and Contemporary Laws Related to Forest and Environment with the Perspective of the Role of the Indian Media in Environmental Conservation: A Review:¹¹ All of India's environmental and forest laws are highlighted in this paper, along with a brief history and introduction. It offers a thorough rundown of every regulation of this kind implemented in India since the country's colonial era. In the current environment, the media is a major influence on public opinion regarding any social, political, or economic issue. The public, as well as decision-makers and implementers, should be presented with accurate information and figures by the media, which is regarded as the fourth and most powerful pillar of society. The study also attempts to evaluate a symbiotic relationship with implementers for the greater good of conservation and sustainable development and educate the media regarding the present-day acts, regulations, guidelines, and rules governing the control and management of the environment in India.

The International Forest Regime Legal and Policy Issues:¹² It offers a thorough analysis of the legislative and regulatory structures controlling the management of forests worldwide. The magazine explores important topics such as forest governance, conservation, sustainable management, and indigenous peoples' rights via an interdisciplinary perspective. To combat deforestation, biodiversity loss, and climate change, it looks at how international agreements, conventions, and institutions shape forest policies and practices. It emphasizes the necessity of coordinated action. The paper provides insights into the potential and rising problems confronting the international forests regime using case studies and expert analysis. It emphasizes the importance of including traditional wisdom, scientific understanding, and community involvement in forest governance procedures to meet sustainable development objectives.

¹¹ Kapil Kumar Joshi, 'Historical and Contemporary Laws Related to Forest and Environment with the Perspective of the Role of the Indian Media in Environmental Conservation: A review' (2020) 2(2) Journal of Media and Management <[http://dx.doi.org/10.47363/JMM/2020\(2\)107](http://dx.doi.org/10.47363/JMM/2020(2)107)> accessed 12 March 2024

¹² Richard G. Tarasofsky, 'The International Forests Regime Legal and Policy Issues' (*IUCN Conservation*, December 1995) <<https://portals.iucn.org/library/sites/library/files/documents/FR-IS-002.pdf>> accessed 12 March 2024

Supreme Court and India's Forest:¹³ The Supreme Court of India has had a significant impact on the direction of forest management and conservation in India. Through historic decisions and judicial declarations, the Court has provided important interpretations of legal frameworks such as the Indian Constitution and the Forest Conservation Act, emphasizing the necessity of forest protection for the sustainability of the environment and the welfare of present and future generations. Significant rulings such as the T.N. Godavarman case have expanded the meaning of forest governance and set norms for stricter regulation of activities such as mining, logging, and the expansion of industries within forested areas. India's precious forest ecosystems are in danger of being lost, but the judiciary's proactive stance has spurred institutional innovations, changes in legislation, and public awareness campaigns.

Role of the Judiciary in the Conservation of Forests:¹⁴ The judiciary's contribution to forest protection has drawn a lot of attention in legal studies. Among the many ways the judiciary has stepped in are changes to the legal definition of forests and the establishment of management and preservation guidelines. Through public interest lawsuits and judicial activism, courts have addressed issues such as illegal logging, encroachments, and environmental degradation, frequently holding governments accountable for their mishandling of forests. Not only does the judiciary interpret and enforce the law as written, but it also contributes positively to sustainable forest management. By upholding constitutional provisions, protecting biodiversity, and defending the rights of indigenous populations, the judiciary plays a crucial role in promoting environmental justice and ensuring the long-term survival of forests.

THE LEGISLATIVE AND EXECUTIVE EFFORTS FOR THE CONSERVATION OF FORESTS IN INDIA

The British colonial era in India is where the current statutory provisions for forest protection originated. In 1865, the first Indian Forest Act was approved by the Supreme Legislative Council.

¹³ Armin Rosencranz and Sharachchandra Lélé, 'Supreme Court and India's Forests' (2008) *Economic & Political Weekly* <https://wwfin.awsassets.panda.org/downloads/supreme_court_and_india_s_forests_2.pdf> accessed 12 March 2024

¹⁴ L. SANMIHA and R. DHIVYA, 'ROLE OF JUDICIARY IN CONSERVATION OF FORESTS' (2018) 120(5) *International Journal of Pure and Applied Mathematics* <<https://acadpubl.eu/hub/2018-120-5/2/192.pdf>> accessed 12 March 2024

This effectively formalized the devastation of local people's rights to forest products as well as the destruction of forests. The Forest Act 1878 and its amending acts included the general legislation about forests in British India. The above legislation was combined under the Forest Act of 1927. There was a restriction on the jurisdiction of the territory. The British Raj's legal system was strongly biased toward the exploitation of the forest's resources. Thus, at that time, forestry was focused on production. The Indian Forest Act of 1927, which was created during the British era, illustrates the exploitative objectives of the colonial aristocracy of the time rather than the ecological and environmental purposes of conserving the forest.¹⁵ The 1927 Act was an industry-friendly law that significantly reduced the amount of forest cover in the nation. The act's two main goals were to avoid the de-reservation of forests that were set aside by the 1927 Forest Act and to limit the use of forest property for non-forest activities. Up until 1980, the Forest Act of 1927 was still in effect.

The Forest (Conservation) Act of 1980 was passed to slow down the nation's rapidly increasing rates of deforestation and forest cover loss. Verifying the conversion of forest areas for uses other than forests was the main focus. Strict guidelines have been established to control the use of forest areas for purposes other than forest management. According to this statute, no state government may approve such a conversion without the federal government's consent. While the legislation does not forbid converting forest areas for uses other than forests, it does mandate that the conversion be approved by the central government and that the activity for which authorization is requested have its blessing. The phrase 'an act to provide for the conservation of forest and matter connected therewith or ancillary or incidental thereto' appears in the act's goals and justifications, indicating that the act was intended to take a broad approach to issues about forest conservation.

The act went under yet another amendment in the year 2023, the amendment restricted the conservation scope of the act to certain forest areas exclusively. Additionally, it releases border territories from the requirement to get permits before clearing trees for 'strategic linear projects of national importance.' Lastly, it permits certain non-forest operations in interest areas, such as

¹⁵ P Leelakrishnan, *Environmental Law in India* (6th edn, lexis Nexis Butterworths 2021)

zoos and 'eco-tourism' establishments. Changing India's legal definition of a 'Forest' is the principal aim of the act. It specifies that only areas designated as 'Forests' under the Indian Forest Act of 1927, any other applicable law, or as such in official government records will be considered 'Forests' under the Act. This change stands in stark contrast to the enormous scope of the present Act, which claims to include 'any forest land'. This expansive view was maintained by the Godavraman decision of the Supreme Court in 1996. It said, among other things, that a 'Forest' is any land that is officially designated as such in government records, regardless of ownership, and that there are also 'Deemed forests' that are not officially assigned as 'Forests' but meet the definition provided by the dictionary of the word, which is any large area with a significant amount of tree cover and undergrowth.

Additionally, the Supreme Court had ordered States to identify and inform their own designated forests. However, several states of India have not finished this task even after nearly thirty years and we don't know how scientific the identifying procedure was in the instances where they have. As a result, the amendment permits economic activity in any area that hasn't been formally designated as a 'Forest'. Additionally, it eliminates the informed consent of the local community and the forest clearing permits that serve as the Act's present checks and balances. The amendment aims to exclude projects involving linear infrastructure, such as roads and highways, from obtaining approval for forest removal if they are situated within 100 kilometres of the country's border. Because the term 'strategic linear projects of national importance' is vague, experts fear that it may be abused to forward infrastructure projects that would have a disastrous impact on the local ecosystem. Given that the exception would practically apply everywhere in the Northeastern States, this is especially concerning there. The 100-kilometre exemption was contested by many. Given its tiny size and location within the Indo-Burma biodiversity hotspot, Nagaland requested a flexible distance for exemption, while Tripura wanted it lowered to 10 km. However, Arunachal Pradesh requested that the range be extended to 150 kilometres.

The three-judge bench of SC led by the CJI in the year 2023, while performing its judicial activism has passed an interim order directing all the governments to follow the 'broad and all-

encompassing' definition of forest as laid down in its 1996 judgment until a consolidated record of all kinds of forests across the country is prepared. In their 1996 ruling, Justices J. S. Verma and B. N. Kirpal stated that one must interpret the word 'Forest' by its dictionary definition. This definition applies to all legally recognized woods, regardless of whether they are labelled as protected, restricted, or otherwise... The phrase 'forest land' will refer to any area listed as a forest in government records, regardless of ownership, and will not just refer to 'Forests' in the sense that the dictionary defines them. The three-judge bench led by the Chief Justice upheld this notion, stating that the court had chosen the dictionary definition of forests to comply with the legislative intent of Parliament when it enacted the Forest Conservation Act of 1980.

FOREST DEFINITIONS AND POLICY

There is no trace of the definition of the word 'Forest' in India's two most important pieces of legislation on forests which are: the Indian Forest Act, of 1927¹⁶ and the Forest Conservation Act, of 1980.¹⁷ However, for the aim of managing the local woods, the United Khasi & Jaintia Hills Autonomous District (Management and Control of Woods) Act 1958,¹⁸ the regional forest act of Meghalaya, defines a forest under Section 2(f), which says, '*forest means and shall be deemed to be a forest, if in the area there are reasonable no. trees say, not less than twenty-five per acre reserved or any other forest produce growing on such area, which has been or are capable of being exploited for purposes of business or trade.*' This definition of Meghalaya legislation does not prove to be holistic like the forest itself. The void was still there in the legislation by the word forest; as the legislature was not doing anything about it so, the SC through a landmark case of *T.N. Godavarman Thirumulpad v Union of India*,¹⁹ in the year 1996 gave the judgment and after thoroughly examining the National Forest Policy and the Forest Conservation Act 1980,²⁰ which was made to check further deforestation in India as well as to conserve and protect the environment in totality.

¹⁶ The Forest Act 1927

¹⁷ The Forest (Conservation) Amendment Bill, 2023

¹⁸ Government of Meghalaya Forests and Environment Department, *COMPENDIUM OF ACTS & RULES OF AUTONOMOUS DISTRICT COUNCILS* (vol 5, The Principal Chief Conservator of Forests & HOFF Meghalaya)

¹⁹ *T.N. Godavarman Thirumulpad v Union of India* WP (C) 202/1995

²⁰ The Forest (Conservation) Act 1980

It was stressed that the word 'Forest' should be interpreted by its dictionary definition, regardless of who owns or classifies it. Any forest thus characterized, regardless of ownership, would be governed by section 2 of the Forest Conservation Act, under this expanded definition. According to Section 2 of the Act, without prior permission from the national government, no state government or other governmental body may permit the use of any forest area for whatever reason other than forestry. States could not anymore de-reserve forests that were protected for industrial or trade (non-forestry) use without authorization under the Forest Conservation Act's revised interpretation of forest under section 2. In *Shree Bhagawati Tea Estates v Government of India*,²¹ the SC delved into issues related to FCA. The Kerala Private Forests (vesting and Assignment) Act 1971²² was the first document the court examined. This act attempted to purchase private forest properties for this purpose as part of the Kerala government's agricultural reform. Then, the purchased land was to be divided up among the peasants who had no land.

The petitioner contested this conduct, claiming that it was against FCA regulations. It was argued that removing the land's woods for agricultural use would require this acquisition, which could not happen without the central government's permission. Additionally, it was stated that because the FCA forbids leasing forest land to businesses, people, or the private sector, the purchased land could not be given to the landless. The Supreme Court rejected these arguments, ruling that only the Central Government's consent is needed and that the FCA does not call for an outright prohibition. In this instance, the Supreme Court balanced the imperative to protect forests with the need to provide for the needs of the underprivileged, even as it upheld the validity of the Kerala Private Forests Act. The Court has also addressed the problem of mining operations in forested regions. The court had firmly established that mining operations were not permitted in forested regions.

The Supreme Court made it abundantly evident that following the enactment of the FCA, a mining license renewal could only be completed with prior approval from the Central

²¹ *Shree Bhagawati Tea Estates v Government of India* AIR 1996 SC 201

²² Kerala Private Forests (Vesting and Assignment) Act 1971

Government of India.²³ The SC had strongly rejected the issuance of leases for non-forest operations in forests and the participation in non-forest activities. In the case of *Dhirendra Agrawal v State of Bihar*²⁴, the renewal of a stone-crushing lease without prior consent from the Central Government was deemed a grave violation of duty. In the *State of Bihar v Banshi Ram Modi*²⁵ case, the court categorically rejected the use of forest land for non-forest purposes. The Supreme Court also harshly criticized tourism in forests and iron ore excavations.²⁶ Following the Hon. Apex Court's definition in *T.N. Godavarman* and interpretation of the term forest, Section 2 of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006²⁷ defined forest in a manner akin to the Forest Conservation Act.

However, in pursuance of the Kyoto Protocol²⁸, India has defined a forest as 'a land area of at least 0.05 ha, with a minimum tree crown cover of 15% and tree height of at least 2 m,' by the threshold limitations set by the UNFCCC for several characteristics. The area designated as a forest in official records is referred to as the 'Forest Area' in the India State of Forest Report 2021. All lands having a tree canopy density of more than 10% and an area of more than one hectare, regardless of ownership, are included in the phrase 'forest cover' and legal status.²⁹

THE FOREST CASE OF INDIA

In the situation of *T.N. Godavarman Thirumulpad v Union of India*, the High Court deserted its standard placement as an interpreter of the regulation in favour of administrative, legislative, and policymaking responsibilities. This historic lawsuit is frequently referred to as 'the Forest Case in India'. This is a result of the Supreme Court's decision to take up the issue, which went outside its constitutional jurisdiction. It was about controlling and keeping an eye on India's

²³ *Ambika Quarry Works v The State of Gujarat* AIR 1987 SC 1073

²⁴ *Dhirendra Agrawal v State of Bihar* AIR 1993 Pat 109

²⁵ *State of Bihar v Banshi Ram Modi* AIR 1985 SC 814

²⁶ *Union of India v Kamath Holiday Resorts Pvt. Ltd.* AIR 1996 SC 1040

²⁷ THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT 2006

²⁸ 'Text of the Kyoto Protocol' (*United Nations Climate Change*) <<https://unfccc.int/process-and-meetings/the-kyoto-protocol/history-of-the-kyoto-protocol/text-of-the-kyoto-protocol>> accessed 12 March 2024

²⁹ 'Forest' (*UN-REDD PROGRAMME*) <<https://www.un-redd.org/glossary/forest#:~:text=Definition,meters%20at%20maturity%20in%20situ>.> accessed 12 March 2024

woods. T.N. Godavarman petitioned the Indian SC for a writ in 1995. The centre point of the writ petition was to preserve and safeguard the Nilgiri forest region, which was being exploited due to illicit wood activities' destruction. Preserving the forest was the main goal of this litigation. A lengthy hearing on the National Forest Policy took place after it. This was viewed as interim advice on relevant topics. This was done to make sure that the Indian subcontinent's forest laws and regulations were being followed. Guidelines for the responsible use of the forest's resources were established by the Supreme Court. Additionally, he proposed that it had a property of self-monitoring. The state and regional levels should set up an implementation framework, the court said. The purpose of this action was to control the flow of lumber. Godavarman Thirumulpad was subjected to differing opinions. It covers the involvement of the court as well as everyone's rights to the environment. When required, the only options are court enlargement or intervention. The state's inability to fulfil its obligations gives rise to judicial interventions. The most significant decisions made by the court include outlawing the cutting of trees, managing the forestry sector, forbidding mining in Kudremukh, and controlling sawmills in the Aravallis. CAMPA and the enactment known as Current Value for the use of forest land for commercial purposes are the two most significant decisions made regarding forest governance. These actions led to the establishment of a system that requires advance approval from the SC for any type of commercial activity. Because of this, one man's efforts to stop Gudalur's forest degradation led to a historic court case that has significantly improved the state of forest preservation.

A growing population, rapid industrial development, village-to-urban migration, the need for more land for living, agriculture, and other uses due to overpopulation, and other factors all contributed to the problem of environmental degradation and, in particular, damage to forests rich in natural resources. Deforestation occurred as a result of the destruction and exploitation of vast tracts of forest land for non-forest or commercial purposes including mining and illegal wood harvesting. Since the sustainability of a nation and its people depend on forests to provide us with rich natural resources, forests are seen to be its most valuable asset. However, they are being severely abused, and this is happening without the deployment of compensatory measures. Because of this, there is little to no space for their replenishment, which is a risky

decision given that the absence of these resources would impair the nation's long-term prospects by creating instability and a shortage of essential resources. The Forest Conservation Act of 1980 and the National Forest Policy were examined and evaluated by the court. The goal of this is to address the deforestation concerns. Section 2 of the Forest Conservation Act of 1980 applies to it, and it also examines the word 'Forest' in light of its new definition. According to this clause, no state or other entity may use forest land for uses other than forestry without first receiving permission from the central government. About the revised interpretation of Forest Land and Section 2 of the Forest Conservation Act, de-reserving conserved forests for business uses is prohibited without authorization. This suggests that approval from the Central Government is necessary for all forest activities.

All wood-based industry permits were revoked. A new action plan has been developed by the Principal Chief Conservator of Forests. This was done to tighten the security protocols and patrols. At the same time, use the central government-approved quarterly report to identify vulnerable locations. An important component of the case is the presence of the Indian Constitution, which mentions the jurisdiction of the central and state governments about the defense of natural resources against unlawful activity. According to Article 48A, the state must preserve our nation's forests and wildlife as well as take action to conserve and enhance the environment. All Indian citizens are required under Art 51A to protect and preserve the natural environment, which is inclusive of forests, rivers, lakes, and animals, in addition to showing kindness to all living things.

HAS THE SC OVERSTEPPED ITS BOUNDS OR NOT?

T.N. Godavarman petitioned the SC in 1995 to stop illicit wood falls from deforestation in a portion of the Niligiri forest. The Godavarman case was combined by the Supreme Court with another petition with similar issues³⁰ and broadened its purview to include reforming the oversight and management of all forests across the nation, rather than only ending illicit activity in specific forests. In the Godavarman case, the court made its first major ruling on December

³⁰ *Environment Awareness Forum v State of Jammu and Kashmir* WP (C) No 171/1996

12, 1996. The court aimed to radically restructure the authorization and functioning of industries, as well as redefine the Forest Conservation Act and impose a statewide ban on tree cutting. 2,000+ interlocutory applications have already been accepted, and several hundred orders many of which have broad ramifications have been issued. However, the Supreme Court is currently considering the issue. As a result, the court has taken on the responsibilities of legislator, administrator, and policy maker in addition to its more conventional function as the interpreter of the law. No other emerging nation, including India, has ever granted the Supreme Court so extensive authority. The ramifications of this extensive and ongoing action by the judiciary are significantly more complex than the joyous stories of the Godavarman case imply, even though the first decisions may have been warranted. It's time to put an end to this judicial adventurism and concentrate on raising the standard of case law about forests.

REINTERPRETATION OR EXECUTION

To start, the SC redefined what the Forest Conservation Act (FCA) of 1980 meant by 'Forest'. Converting forest land to non-forest uses requires central government consent under the FCA. Still, it went beyond just reinterpreting the law to fit the particular situations. The Supreme Court mandated the immediate termination of all such non-forestry operations across the nation that lacked express permission from the national government. Additionally, it put a stop to tree-cutting everywhere save in compliance with central government-approved operating plans. In addition to areas where an outright ban was issued, it also mandated the closure of sawmills within a 100-kilometre radius of the state line of Arunachal Pradesh. In the end, it outlawed the export of lumber from the northeastern states. The court was swiftly drawn into a complex web of managerial and administrative problems. High-level committees, powers, and a fund for compensatory afforestation were established by the court. Section 3(3) of the Environment (Protection) Act, 1986 established a centrally authorized committee in response to the court's out-of-control caseload, which resulted from the case's extension. More importantly, the court gave the committee considerable authority to manage matters by the court's orders, insulated its members from their roles as central government officials, and established a court-only accountability structure. Under a 'continuing mandamus' order, the court has left the case open

and is still hearing and ruling on a sizable number of interlocutory applications every single month. It has forbidden all lower courts from considering matters about forests to keep control of the case. Ultimately, the Supreme Court assumed the role of the law's administrator and executor.

Is the judiciary's level of involvement in the nation's daily forest management, however, constitutionally justified? Although the Constitution does not specifically mention the concept of separation of powers, the court has elevated it over time to the status of the fundamental, unchangeable framework of the document in a historic decision of *Kesavananda Bharati v Union of India*³¹. Determining the interpretation of the law, resolving conflicts between statutes and the Constitution, and upholding the fundamental principles of the Constitution are the judiciary's main duties. The court has overreached itself beyond any realistic time limit. There is no reference to 'continuing mandamus' in the Constitution. Before this, the court used it sparingly and only in 'extraordinary cases' when it wanted to ensure that its orders were carried out as intended and did not conflict with the executive branch's other authorities.³² However, in the *Godavarman* case, the court ignored constitutional limitations and effectively administered the law by making decisions on petitions that would normally be handled by the administration. This has left the issue open for more than 11 years.

Finally, the court's authority is severely limited in practice. India's courts lack the resources and capacity to investigate and enforce rulings beyond individual cases. Enforcing orders has been difficult in certain circumstances, such as the *Bandhua Mukti Morcha* case.³³ The court has acknowledged that it has 'no means for effectively supervising and implementing the aftermath of its orders, schemes, and mandates, Courts also have no method to reverse their orders if they are found unworkable'.³⁴

CONCLUSION

³¹ *Kesavananda Bharati v Union of India* WP (C) 135/1970

³² *Vineet Narain v UOI* (1998) SCC 226

³³ *Bandhua Mukti Morcha v UOI* (1984) 3 SCC 161

³⁴ *P Ramachandra Rao v State of Karnataka* AIR 2002 SC 1856

In summary, the exploration of the changing terrain around the meaning of the term 'Forest' has been instructive as well as difficult. After navigating the legal rulings, legislative initiatives, and environmental requirements, it is clear that the definition of a forest is always evolving. Rather, it is a fluid idea that is influenced by a variety of elements, including legal interpretations, ecological understandings, and cultural demands. The SC has played a crucial role in guiding forest administration in India, especially in instances such as T.N. Godavarman Thirumulpad v Union of India. But as we learn more about the effects of judicial interventions, concerns about the limits of judicial activism and its consistency with constitutional requirements come up. There is no denying that the T.N. Godavarman case has brought attention to the critical need for effective forest protection measures. However, concerns about the viability and separation of powers surface when the judiciary assumes more administrative and policymaking duties in addition to interpretation. The noble objectives of preserving ecological integrity and safeguarding the environment continue to drive the court's decisions, but it can be challenging to carry out such expansive orders. It is imperative to humanize the discourse surrounding forest protection and acknowledge the intricate interplay among legal mandates, ecological constraints, and socioeconomic realities.

Encouraging collaboration among legislators, environmental advocates, indigenous communities, and legal experts is imperative as we navigate the intricacies of forest governance. By implementing a comprehensive plan that respects social justice, ecological values, and the rights of indigenous peoples, we can work toward a sustainable future where communities thrive, forests expand, and wildlife abounds. The definition of 'forest' is evolving, which emphasizes how urgently we need adaptable legal frameworks that take ecological principles, scientific discoveries, and cultural norms into account. It's a path fraught with opportunities and challenges, where candid communication and collective action pave the way for harmony between people and the natural world.

Lastly, the author wants to put forward a definition of what the author believes as an environmentalist is appropriate given by Jan Zalasiewicz Forest is: 'Enough trees to get lost in.'

SUGGESTIONS AND RECOMMENDATIONS

The authors think that yes India as a nation does need to have a more holistic and inclusive definition than the dictionary meaning and this can be achieved by:

- Encourage academics and decision-makers to use an interdisciplinary approach to comprehending how the notion of forests is changing. To create a more complex knowledge of forests and their importance, this might entail working with indigenous people, environmental scientists, legal professionals, and sociologists.
- Promote international cooperation and information exchange about the management and conservation of forests. This might entail taking part in international projects, forming alliances with foreign groups, and making use of exchange programs to gain knowledge from the experiences and best practices of other nations.
- Emphasize how important it is to use traditional ecological knowledge and methods in the definition and maintenance of forests. Indigenous groups frequently have priceless knowledge that may supplement scientific understanding in the areas of forest ecology, biodiversity protection, and sustainable resource management.
- Promote capacity development projects and educational activities to raise key stakeholders' knowledge and comprehension of forest conservation concerns. Programs for judges, attorneys, legislators, and local communities on forest law, administration, and sustainable management techniques may fall under this category.

Moreover, The Supreme Court has played a significant role in raising public awareness of the country's poor forest administration. However, it cannot administer India's woods, either constitutionally or practically. The court should act to close the Godavarman case and, if required, invoke the state's constitutional obligation under Article 48A to develop comprehensive legislation for a more decentralized, regionally sensitive, and sustainable use-oriented forest management system. Considering that its extreme approach to environmental problems has resulted in some success in protecting forests, the Court should continue welcoming PILs and maintain long-standing requirements as they currently stand. To hold accountable those who are responsible for deforestation, the Court should continue to

acknowledge epistolary ward as a means of enhancing and distributing access to the judicial system. In addition, the Court needs to continue replying to these letters by initiating commissions and exams that are verified by the Court. The need for this control persists even though it is outside the traditional boundaries of a holy court since many Indian political and commercial interests continue to undermine the public's broad excitement for an assured domain.

Furthermore, if the Court withdraws its PIL and standing development, individuals attempting to defend the Bush approach and their primary constitutional rights would have few remedies available to them. As previously mentioned in the audit, not all the harms that immediately strike the environment and people as a whole are sufficiently addressed by customary law remedies and their partners. Due to the unalienable harm need of such activities, a small percentage of the population is required to bring forth activities, preventing the majority of people from being involved. People who handle damage daily are most definitely not in a position to launch a lawsuit, but those who are avoided because of the requirement of damage are frequently in a position to do so.